

FILED

IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAY 19 2011 ★

United States District Court

for the

Eastern District of New York

BROOKLYN OFFICE

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: **William Taylor**

ED/NY Case Number: **CR 10-819**

Name of Sentencing Judicial Officer: **The Honorable Gary L. Sharpe, U.S. District Judge (NDNY)**

Date of Original Sentence: **March 9, 2010**

Name of Judicial Officer: **The Honorable Sandra L. Townes, U.S. District Judge (EDNY)**

Transfer of Jurisdiction: **October 26, 2010**

Original Offense: **Conspiracy to Possess with Intent to Distribute and Distribution of More Than 500 Grams of Cocaine, in violation of 21 U.S.C. 846; 841(a)(1); (b)(1)(B) and 851, a Class A felony.**

Original Sentence: **Time served (24 months and 6 days) followed by 8 years of supervised release, substance abuse treatment and testing, full financial disclosure, search condition, and \$100 special assessment fee.**

Type of Supervision: **Supervised Release**

Date Supervision Commenced: **March 9, 2010**

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

The offender's nine (9) month term at the Brooklyn Residential Re-Entry Center shall be terminated.

CAUSE

By way of background, the above named individual was sentenced in the Northern District of New York on March 9, 2010, by the Honorable Gary L. Sharpe, U.S. District Judge, to time served (24 months and 6 days) followed by 8 years of supervised release, with a special assessment fee in the amount of \$100. The following special conditions were also imposed: (1) The offender shall participate in a program for substance abuse, which shall include testing for drug and/or alcohol use and may include inpatient and/or outpatient treatment as approved by the Probation Department; (2) The offender shall contribute to the cost of any evaluation, testing, treatment and/or monitoring services rendered, in an amount to be determined by the probation officer; (3) The offender shall refrain from the use of alcohol while under supervision; (4) The offender shall submit his person, and any property, house, residence, vehicle, papers, effects, computer, electronic communications devices, and any data storage devices or media, to search at any time, with or without a warrant, with reasonable suspicion concerning a violation of a condition of probation or supervised release or unlawful conduct by the offender; (5) The offender shall provide the probation officer with access to any requested financial information. This sentence followed the offender's conviction for Conspiracy to Possess with Intent to Distribute and Distribution of More Than 500 Grams of Cocaine, a violation of 21 U.S.C. 846; 841(a)(1); (b)(1)(B) and 851, a Class A felony.

The offender commenced his term of supervised release on March 9, 2010 in the Eastern District of New York, due to his residence in Brooklyn, New York, with his sister. Jurisdiction of this case was transferred to Your Honor from the Northern District of New York, on October 22, 2010.

On October 7, 2010, the Court modified the offender's conditions of supervision to include nine (9) months at the Brooklyn Residential Re-Entry Center (BRRC) as a result of the offender's continued use of marijuana (more than three times within twelve months) coupled with his arrest on September 7, 2010 in Brooklyn, NY, for Criminal Possession of Marijuana in the 5th degree: In a Public Place, a Class B misdemeanor. The case was Adjourned in Contemplation of Dismissal and he is scheduled to appear on this matter again at the New York City Criminal Court in Kings County on September 7, 2011.

On March 7, 2011, the Court modified the offender's conditions of supervision to include a reduction of his subsistence fee to the BRRC from 25% to 10% of his net monthly income. This request for modification was in response to the offender's expressed goal of financial independence and securing a personal residence upon completion of his term at the BRRC. Furthermore, he has remained in full compliance with his conditions of supervision since his admission to the BRRC on November 2, 2010, including testing negative for the use of controlled substances since October 20, 2010 as well as securing a full time job as a porter at Blue Smoke restaurant in Manhattan, NY, in February 2011.

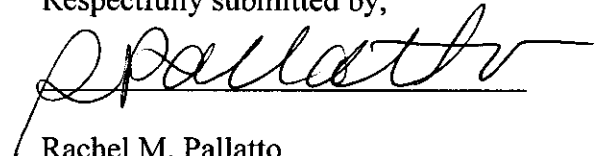
The Probation Department's recommendation for the offender to reside at the BRRC was two-fold: as a punitive response to his non-compliance, as well as a corrective initiative, in order for Mr. Taylor to be encouraged to seek employment, while maintaining his sobriety and abstaining from criminal activity in the community. Mr. Taylor has been able to do all of the above while serving the past six and a half months at the BRRC. In addition, most recently he has been able to find an affordable room to rent, located in Brooklyn, NY, and would like to take advantage of this opportunity for independent living, if the Court agrees to the above indicated modification.

Request for Modifying the
Conditions or Terms of Supervision
with Consent of the Offender

Prob 12B / Page 3

Given Mr. Taylor's compliance at the BRRC and his increased motivation toward successful re-entry into the community, as evidenced over the past six months, the Probation Department is requesting the above-noted modification of conditions, to terminate the offender's order to reside at the BRRC before the original expiration, August 1, 2011. Mr. Taylor has waived his right to a hearing in regards to modifying his conditions of supervision by executing the enclosed Probation Form 49. We await the Court's response as indicated below.

Respectfully submitted by,



Rachel M. Pallatto
U.S. Probation Officer

Date: 5/17/11

Approved by,



Kelley O'Keefe
Supervising U.S. Probation Officer

Date: 5/17/11

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ Other

S/ SLT
Signature of Judicial Officer

May 18, 2011
Date